



U.S. Department of Justice


Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 31, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben 
Assistant Attorney General

SUBJECT: Weekly Report for July 31, 2000 - August 4, 2000

The House and Senate are in recess. The House will return on September 6; the Senate on September 5.

KEY ISSUES

CI 21: On July 26, the Senate Select Committee on Intelligence (Shelby, Chair) held a closed hearing on intelligence matters. Neal Gallagher, FBI National Security Division, George Tenet, CIA Director of Central Intelligence, Rudy DeLeon, Deputy Secretary of Defense, and you testified. (Walter)

Department's Response to a FOIA Request: On July 27, the House Government Reform Committee (Burton, Chair) held a hearing on the Department's response to a FOIA request. Richard Huff, Co-Director of the Office of Information and Privacy, John Schmidt, former Associate Attorney General, and John Hogan, former Chief of Staff to the Attorney General, testified. (Tanner)

THE WEEK AHEAD

Campaign Finance: The Department will continue to work with Senate Judiciary Committee (Hatch, Chair) staff in responding to document requests and hearing follow up. (Walter)

Telecom Mergers: The Department will continue to work with House and Senate staff contacts on pending legislation (S. 467 and H.R. 4019), and with Commerce and the White House on briefings for the Senate Commerce Committee staff on the pending Hollings telecom bill. On July 24, Department and FBI representatives briefed Senate Commerce, Science and Transportation Committee (McCain, Chair) majority and minority staff on these bills and the Department's concerns. (Walter)

Peter Lee: Senator Specter has not yet issued his report on the Peter Lee case but still may do so in the near future; Democratic members of the Senate Judiciary Committee (Hatch, Chair) plan to issue their own report at the same time. Copies of both drafts were circulated in the Department for comment. (Walter)

Loral: The Department has been asked to provide answers to questions that came up in the July 14 meeting with Senate Judiciary staff; these are being coordinated inside the Department and with the U.S. Attorney's office for the District of Columbia, as well as with the Committee. The U.S. Attorney's office has done a first draft of their answers, which are being reviewed for possible delivery to the Hill this week. (Walter)

THE WEEK IN REVIEW

Bankruptcy: When Congress left for the August recess there was still no agreement on language for the remaining issues. The White House met with Republican leaders over a week ago and made an offer. The counteroffer was received late last week, leaving no time to respond before the recess. However, it is our understanding that the Republican counteroffer does not adequately address the Schumer language dealing with abortion clinic violence. In addition, there is still no identified legislative vehicle for this bill. Possible options include the transportation appropriations bill, a housing bill and the rural satellite bill. (Wilson)

Meeting with the Offices of Senators Daschle and Johnson: On July 28, the Department held a follow up meeting with staff for Senators Daschle and Johnson to provide an update on the progress made on funding issues under the CIRCLE grant. (Ho)

Antitrust Airline Industry Hearing: On July 27, the Senate Commerce, Science and Transportation Committee (McCain, Chair) held a hearing on antitrust issues in the airline industry. Assistant Attorney General of the Antitrust Division Joel Klein testified on behalf of the Department. (Slover)

Hearing on Grand Juries: On July 27, the House Judiciary Committee's Subcommittee on the Constitution (Canady, Chair) conducted a hearing about the rules governing and the role of grand juries. James Robinson, Assistant Attorney General of the Criminal Division, and Loretta Lynch, United States Attorney of the Eastern District of New York, testified before the Subcommittee. (Graupensperger)

Hearing on Aviation Accidents: On July 27, the House Transportation Committee's Subcommittee on Aviation (Duncan, Chair) conducted a hearing on the trend toward criminal prosecutions relating to airline accidents. Guy Lewis, U.S. Attorney for the Southern District of Florida, testified on behalf of the Department. (Graupensperger)

An Independent Agency to Investigate the Department: On July 27, the House Judiciary Committee's Subcommittee on Commercial and Administrative Law (Gekas, Chair) held a hearing on H.R. 4105, the Fair Justice Act, introduced by Congressman Traficant, which would establish an independent agency to investigate and prosecute alleged misconduct, including criminal activity, by Department officers and employees. The Department's objections to this proposal were articulated by a panel of witnesses composed of Associate Deputy Attorney General David Margolis, Deputy Assistant Attorney General Jack Keeney, OPR Counsel Marshall Jarrett and Howard Sribnick of the Office of the Inspector General. While we do not expect any further action on the legislation in this Congress, we remain concerned about the views that led to this hearing and we will follow up with staff to address them, if possible. (Burton)

Meeting with Congressional Asian Pacific Caucus: On July 27, Department representatives met with House members and staff of the Congressional Asian Pacific Caucus (Underwood, Chair) to brief them, to the extent pending case constraints allow, on the Wen Ho Lee prosecution. (Walter)

Trafficking: HR 3244, a bill which creates, among other things, new crimes to punish people who traffick in persons, passed the Senate on July 27 by unanimous consent. The bill also creates a new visa, the T visa, for persons who provide information in trafficking investigations and prosecutions. (First)

Religious Liberty: On July 27, both the House and Senate approved S. 2869, the "Religious Land Use and Institutionalized Persons Act of 2000." (Owen)

Senate Judiciary Committee Business Meeting: On July 27, the Senate Judiciary Committee (Hatch, Chair) approved the following nominations by voice vote: Michael J. Reagan, to be a United States District Judge for the Southern District of Illinois; and Susan Ritchie Bolton, Mary H. Murguia and James A. Teilborg, all to be United States District Judges for the District of Arizona. Senators Thurmond, Smith and Sessions asked to be recorded in opposition to the Murguia nomination. Additionally, the Committee approved the nominations of Marie F. Ragghianti and Janie L. Jeffers, to be Commissioners of the United States Parole Commission, and Norman C. Bay, to be United States Attorney for the District of New Mexico, all by voice vote.

The Committee approved the following legislative items by voice vote: S. 113, the Federal Judiciary Protection Act of 1999; S. 783, the James Guelff Body Armor Act of 1999, as amended by an amendment in the nature of a substitute; S. 2272, Strengthening Abuse and Neglect Courts Act of 1999; S. 1865, the America's Law Enforcement and Mental Health Project, as amended by an amendment in the nature of a substitute, as well as three private relief bills. (Scott-Finan)

~~**Nominations:** The following nominations were sent to the Senate on July 27: Paula M. Junghans, to be Assistant Attorney General for the Tax Division; Christine M. Arguello, to be a United States Circuit Judge for the Tenth Circuit; and David S. Cercone and Harry P. Litman, both to be United States District Judges for the Western District of Pennsylvania. (Scott-Finan)~~

Counterterrorism Program: On July 26, the House Government Reform Committee's Subcommittee on National Security, Veterans Affairs and International Relations (Shays, Chair) conducted a hearing on the FBI's Counterterrorism program. Terry Turchie, Assistant Director of the FBI's Counterterrorism Division, testified on behalf of the Department. (Daley)

Computer Security: On July 26, the House Government Reform Committee's Subcommittee on Government Management, Information, and Technology (Horn, Chair) conducted an oversight hearing on the challenges of providing a coordinated response to computer security threats from a national and international perspective. Edgar A. Adamson, Chief of the U.S. National Central Bureau of Interpol and FBI National Infrastructure Protection Center Director Michael Vatis testified on behalf of the Department. (Daley)

ADA Commemoration Hearing: On July 26, the Senate Committee on Health, Education, Labor, and Pensions (Jeffords, Chair) held a hearing entitled "The Americans with Disabilities Act: Opening the Doors to the Workplace" to celebrate the ADA's tenth anniversary. Liz Savage of the Civil Rights Division testified on behalf of the Department. (Ho)

Waco: On July 26, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts (Grassley, Chair) conducted a hearing on Senator Danforth's, the Special Counsel appointed to investigate the Waco incident, interim report. (Walter)

Leak Prosecution and FISA/CIPA: On July 26, Department representatives briefed the Senate Select Committee on Intelligence staff (Shelby, Chair) on FISA questions. The FISA/CIPA bill, reported out of the Committee on July 20, will likely be attached to the Intelligence Authorization Act when that bill goes to the floor.

On July 24, Department representatives met with the Senate Judiciary Committee staff (Hatch, Chair) to discuss questions about the CIPA provision as incorporated by the Senate Select Committee on Intelligence (Shelby, Chair) in the mark up of S. 2089, the Counterintelligence Reform Act of 2000. Copies of this marked up bill and the accompanying report have been circulated inside the Department. The Department was asked for briefings from OIPR on questions raised by Members as part of the FISA mark up and the briefing took place on July 25. (Walter)

Born Alive Infant Protection Act: On July 26, the House Judiciary Committee (Hyde, Chair) approved H.R. 4292, the Born-Alive Infants Protection Act of 2000, by a 22-1 vote. (First)

DNA Grants Bill: On July 26, the House Judiciary Committee (Hyde, Chair) approved H.R. 4640, a bill to provide grants to states to reduce backlogs of DNA samples awaiting analysis and for other related purposes. (Graupensperger)

Bulletproof Vest Partnership Act: On July 26, the House passed this bill (H.R. 4033) to extend the existing grant program to provide assistance to local law enforcement for the purchase of bulletproof vests. (Graupensperger)

Public Safety Cooperation Act: On July 25, the Senate Health, Education, Labor and Pensions Committee (Jeffords, Chair) held a hearing on S. 1016, a bill that would require each state to create minimum collective bargaining rights for their public safety officers to use in workplace negotiations with local municipalities. (Scott-Finan)

Military Extraterritorial Jurisdiction Act: On July 25, the House passed this bill by replacing the text of the Senate-passed version with the text of H.R. 3380. (Graupensperger)

FBI's Carnivore Program: On July 24, the House Judiciary Committee's Subcommittee on the Constitution (Canady, Chair) held an oversight hearing on Fourth Amendment issues raised by the FBI's Carnivore Program. Criminal Division Deputy Assistant Attorney General Kevin DiGregory, Criminal Division Principal Deputy Chief of the Computer Crime and Intellectual Property Section David Green, FBI Assistant Director Dr. Donald Kerr and FBI General Counsel Larry Parkinson testified on behalf of the Department. (Daley)

Bellows Report: On July 24, Randy Bellows briefed the Senate Select Committee on Intelligence staff (Shelby, Chair) on issues other than FISA in his report. (Walter)